

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

MARK BATTALINE, an individual, and ,  
VINCENT ROSS, an individual,

Plaintiff,

v.

ADVEST, INC., corporation,

Defendant.

Civil Action No. 06-569

Judge Gary L. Lancaster

Electronically Filed

**STIPULATION AND ~~PROPOSED~~ ORDER TEMPORARILY TO STAY  
PROCEEDINGS**

WHEREAS, Defendant Advest, Inc. ("Advest") has filed a motion to compel arbitration of the individual claims of Plaintiffs Mark Battaline and Vincent Ross, which motion is currently set for hearing on Friday, November 3, 2006;

WHEREAS, the parties have agreed to schedule a mediation in the hopes of resolving this matter;

WHEREAS, if the parties are successful in their efforts to resolve this matter, it may render unnecessary a decision by this Court on Advest's pending motion, and the parties respectfully submit that it would increase the chances of the parties resolving this matter if Defendant's pending motion to compel arbitration was not heard at the currently scheduled time;

WHEREAS, the parties have attempted in good faith to schedule the mediation for the earliest possible date, but due to (a) the need for pre-mediation discovery and preparation, (b) travel commitments during November and December on the part of counsel for Advest and the client representative who will attend the mediation on behalf of Advest, and (c) the availability of the mediator, the parties will not be able to proceed to mediation until in or around

January 2007, with a tentatively scheduled date of January 18, 2007; and

WHEREAS, if the parties are successful in their efforts to resolve this matter, it may avoid the unnecessary expenditure of resources by this Court and the parties in briefing and resolving class certification issues;

The parties through their counsel of record having stipulated to the entry of an order as follows, and good cause appearing therefor,

IT IS HEREBY ORDERED THAT:

1. The currently scheduled Class Discovery Cut-Off Date of December 22, 2006, and Class Certification Motion Filing Date of January 26, 2007, shall be vacated and all proceedings in this matter shall be temporarily stayed;
2. Advest's pending Motion to Compel Arbitration and to Stay Proceedings ("Motion to Compel") shall be taken off calendar without prejudice;
3. If the mediation is unsuccessful, ~~the Court will conduct a telephone status conference on Friday, February 2, 2007, at 2 PM~~ the Court will conduct a telephone status conference on Friday, February 2, 2007 at 2 PM ~~time convenient to the Court~~ to reschedule the hearing on Advest's Motion to Compel and to set new Class Discovery Cut-Off and Class Certification Motion Filing Dates.

Dated: October 27, 2006

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Dated: October 27, 2006

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IT IS SO ORDERED:

A handwritten signature in black ink, appearing to read "G. Lancaster", is written over a horizontal line.

The Honorable Gary Lancaster  
United States District Judge

DATED: NOV. 1, 2006